

Minister of Public Safety and
Emergency Preparedness



Ministre de la Sécurité publique
et de la Protection civile

Ottawa, Canada K1A 0P8

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Mr. John McKay, M.P.
Chair
Standing Committee on Public Safety and National Security
House of Commons
Ottawa, ON K1A 0A6

Dear Mr. McKay,

On behalf of the Government of Canada, it is my pleasure to provide the following response to the 19 recommendations of the Twenty Second Report of the Standing Committee on Public Safety and National Security titled: *Indigenous People in the Federal Correctional System*, tabled in Parliament on June 18, 2018.

I would like to commend the Standing Committee on Public Safety and National Security (SECU/the Committee) for its tireless efforts to better protect Canadians by focusing on important public safety and national security issues. It is appreciated that the Committee dedicated time to take on the study on corrections issues as it relates to Indigenous people.

Your report highlights testimony from a number of expert witnesses and valuable recommendations on this important issue and it highlights the underlying factors that lead to criminalization and incarceration, as well as the conditions required to better support rehabilitation and reintegration of offenders.

The Government agrees-in-principle with the overall tenor of the Committee's recommendations. There are many programs currently in place that respond to the issues related to Indigenous inmates in the federal correctional system, their release and reintegration into their communities. Equally, there are some recommendations whose underlying intent can be achieved in the absence of full implementation. Our responses to the 19 recommendations are below:

Recommendation 1: That the Government of Canada continue to support and consider increasing funding to the Aboriginal Head Start in Urban and Northern Communities Program.

By providing annual funding of \$29.1 million, the Government of Canada continues to support the Aboriginal Head Start in Urban and Northern Communities Program, which reaches 134 sites across Canada serving 4,600 children. The forthcoming Indigenous Early Learning and Child Care (ELCC) Framework led by Employment and Social Development Canada will meet the unique needs of First Nations, Inuit and Métis Nation children and families with a new

investment in Indigenous ELCC that will not fall below \$130 million annually for the next 10 years.

Recommendation 2: That Correctional Service Canada increase the number of agreements with Indigenous communities under section 81 of the *Corrections and Conditional Release Act*.

The Correctional Service of Canada (CSC) is committed to enhancing partnerships with Indigenous people to create more opportunities for their communities to participate in the management of Indigenous offenders. This includes the engagement and collaboration between CSC and Indigenous communities on Section 81 agreements under the *Corrections and Conditional Release Act* (CCRA) for Healing Lodges.

CSC continues to review the possibility of Section 81 agreements for women in the Prairies (Alberta, Saskatchewan and Manitoba), and reviews statements of interest from Indigenous communities from coast to coast to coast.

CSC currently has nine Healing Lodges, five of which are Section 81 Healing Lodges that are independently managed by Indigenous communities/organizations and four that are managed by CSC in close partnership with Indigenous communities and are located directly on Indigenous lands.

In September 2017, building on the partnership with Indigenous people, the Minister of Public Safety and Emergency Preparedness renewed the Section 81 agreement with the First Nation community of Waseskunin Quebec for another five years.

In March 2018, the Minister of Public Safety and Emergency Preparedness renewed two Section 81 agreements, one with the First Nation community of Crane River, Manitoba, and the other with the Native Counselling Services of Alberta for the Stan Daniels Healing Centre and the Buffalo Sage Wellness House. In addition, the capacity of the Buffalo Sage Wellness House was increased by 12 additional beds in order to expand the culturally responsive environment and support the reintegration of Indigenous women offenders.

Recommendation 3: That the Government of Canada increase funding to Indigenous communities for agreements under section 81 of the *Corrections and Conditional Release Act* in order to address the funding gap between healing lodges operated by Indigenous communities and those operated by the Correctional Service Canada.

Owing to such factors as the location (urban, rural, or remote) or the specific infrastructure needs of Healing Lodges, it is not possible to fund all Healing Lodges equally. However, in 2017, a new funding formula was negotiated by CSC with agreement holders in order to better support operations and respond to the needs of Indigenous communities/organizations managing Healing Lodges. This new funding formula applies to all existing and new Section 81 agreements. It will provide access to funds and other administrative supports that will ensure the effective operations of all Healing Lodges, including adequately responding to the needs of Indigenous men and women offenders in their care and custody.

Recommendation 4: That Correctional Service Canada make greater use of agreements concluded with Indigenous communities under section 84 of the *Corrections and Conditional Release Act*, and establish the required capacity.

The Government agrees with the Committee's recognition that increasing community capacity to support the planning and release of Indigenous offenders is critical to the achievement of correctional results for Indigenous offenders and the importance of reiterating this recommendation from 2010. Through Budget 2017, both Public Safety Canada and CSC received funds to support these efforts.

PS's Indigenous Community Corrections Initiative administers a \$10 million fund for community-based, culturally-relevant projects to provide alternatives to incarceration and reintegration support for Indigenous offenders. CSC has increased its complement of Community Development Officers and Aboriginal Community Liaison Officers by 50%, to enhance the role of Indigenous communities in the reintegration of Indigenous offenders.

CSC has also streamlined existing resources and services for the creation of seven Aboriginal Interventions Centres for male offenders as well as five for women offenders which integrate the intake assessment process, programs and interventions, and focus on preparation for release at the earliest parole eligibility date.

In addition, in order for Indigenous offenders to have increased options to return closer to their home communities, funding was provided to allow CSC to contract with First Nations and Indigenous organizations to provide community reintegration support to offenders upon release, including Section 84 release planning. This includes assisting and linking offenders with appropriate community and program support.

Recommendation 5: That Correctional Service Canada make increased use of elder assisted parole hearings.

The needs of Indigenous offenders are a central consideration in the Parole Board of Canada (PBC)'s work. The PBC provides alternate models of conditional release hearings, specifically Elder-Assisted Hearings (EAHs) and Community-Assisted Hearings (CAHs), which are responsive to the unique cultural values and traditions of Indigenous people. The PBC conducts in-reach sessions with CSC staff and offenders and outreach opportunities in order to increase awareness and understanding of the PBC's mandate and services (including EAHs and CAHs), which has contributed to an increase of reviews with an Elder in 2016/17 and 2017/18.

Elder-assisted hearings are available to offenders who are Indigenous or to those who have demonstrated a meaningful commitment to the Indigenous way of life. Throughout the orientation process, case preparation and pre-release activities, CSC staff ensure that offenders are made aware of culturally-responsive initiatives, including the availability of Elder-assisted parole hearings and the required process. Parole Officers, other members of the Case Management Team, Elders or other support persons, are available to assist offenders in completing the required paperwork to request an Elder-assisted parole hearing.

Recommendation 6: That the *Corrections and Conditional Release Act* be amended to require a parliamentary review by a joint committee of the House of Commons and the Senate, every five years, of the provisions of the *Corrections and Conditional Release Act* concerning Indigenous people, specifically sections 81 and 84.

The Government of Canada is committed to evidence-based reforms to the federal correctional system, including legislative reviews of the *Corrections and Conditional Release Act*. Rather than committing to reviews at a pre-determined time, the Government believes that undertaking specific reviews on key areas of the legislation, as required, better ensures policy objectives are being achieved.

Public Safety Canada is working in collaboration with the Department of Justice to take action on the commitment in the Ministers' Mandate Letters to address the overrepresentation of Indigenous Peoples in the criminal justice system, which includes reviewing the provisions of the CCRA such as sections 81 and 84 that support the rehabilitation and reintegration of Indigenous offenders. Public Safety also supports the Department of Justice Mandate Letter commitment to review the changes made to our criminal justice system over the past decade to assess the changes, and ensure that the Government is increasing the safety of our communities, getting value for money, addressing gaps and aligning current provisions with the objectives of the criminal justice system.

Recommendation 7: That Correctional Service Canada develop risk assessment tools that are more sensitive to Indigenous reality and review its security classification assessment process.

CSC is required, under the CCRA, to assign a security classification of maximum, medium, or minimum to each offender admitted to its facilities. In doing so, CSC considers the seriousness of the offence, the offender's social and criminal history, and the potential for violent behavior. In rendering a decision with respect to an offender's security level, specialized CSC staff use professional judgment and clinical assessments, including the application of actuarial tools such as the Custody Rating Scale (CRS), which consider all available risk-related information.

A June 2018 decision of the Supreme Court of Canada, *Ewert v. Canada*, confirmed that CSC must respect its statutory obligation under the CCRA to ensure that information on Indigenous offenders derived from the use of its assessment tools is as accurate and as up to date as possible. The Court indicated that CSC must ensure that its use of the tools with respect to Indigenous offenders do not perpetuate discrimination or contribute to a disparity in correctional outcomes between Indigenous and non-Indigenous offenders. CSC recognizes a need to ensure that the use of its assessment tools with respect to Indigenous offenders is culturally sensitive in order to provide appropriate results.

CSC will continue its work in a manner informed by the Supreme Court decision in *Ewert*, fulfilling respecting CSC obligations noted within. This work ensures that CSC applies assessment tools in a culturally responsive way for Indigenous offenders.

Recommendation 8: That Correctional Service Canada, in its security classification and risk assessment, consider the need to provide Indigenous offenders with appropriate treatment and rehabilitation, and work to increase the number of Indigenous inmates eligible to serve their sentence in healing lodges or have access to culturally appropriate programming.

The CSC is committed to enhancing its capacity to provide effective interventions for Indigenous offenders, and is working collaboratively with criminal justice partners, agencies, organizations and community stakeholders, including Healing Lodges, to support the rehabilitation and safe reintegration of Indigenous offenders into the community. CSC's National Indigenous Plan will transform Indigenous case management and corrections through enhancing various policies, operations and practices to better meet the needs of Indigenous offenders.

As noted under recommendation 7, with regard to classification and risk assessment tools, CSC is working to ensure that its use of these tools fully meets its obligations in respect of Indigenous offenders. Ongoing work is examining the need and feasibility of developing new culturally appropriate assessment measures founded on the Gladue principles, with the goal of ensuring that Indigenous offenders have access to effective, culturally appropriate programs and interventions as early as possible. Experience suggests that cultural and spiritual interventions and continued engagement with Indigenous Peoples, coupled with enhanced Aboriginal correctional programs for higher risk and higher needs offenders, is critical to sustaining positive outcomes for individuals and communities and, ultimately, contributing to public safety.

Most recently, CSC promulgated revised policies (January 2018) regarding initial security level classification and penitentiary placement, security level reclassification, pre- and post-release decision-making, including structured guidance for the consideration and documentation of Aboriginal social history. Recent staff training on how to consider the Aboriginal social history in CSC's case management decisions complements the use of our security classification tools to identify Indigenous inmates who are eligible to serve their sentence in healing lodges and have access to culturally appropriate programming. CSC continues to monitor and assess the impact of Aboriginal social history training initiatives on case management decisions.

Recommendation 9: That Correctional Service Canada review its diagnoses and treatment of fetal alcohol spectrum disorder upon admission to corrections.

CSC is committed to meeting the health care needs of federal offenders, including those with Fetal Alcohol Spectrum Disorder (FASD). Given the high rates of FASD and other mental health needs for the inmate population, CSC offers all inmates mental health screening at intake. This screening identifies symptoms typically associated with FASD, including an IQ estimate and attention-related issues.

In addition to screening for symptoms typically associated with FASD, CSC also launched a pilot project for both men and women in February 2018 at the Regional Psychiatric Center to develop diagnostic processes and support services for this population. The diagnostic team identifies offenders with FASD and determines effective interventions to facilitate their safe

transition to the community. Working with key stakeholders (CSC, mental health services, community organizations and Indigenous), it is anticipated that the team will be able to diagnose between 15-35 offenders annually. The pilot project will be evaluated with the goal of implementing these interventions in other CSC institutions.

For offenders identified with FASD or suspected FASD, CSC offers adapted correctional programming. Adapted correctional programs are delivered at a slower pace and with adapted material and more repetition and opportunities to practice new skills. These programs are also designed to be delivered to smaller groups, which facilitates more individualized support for the participants.

CSC has also developed a responsivity tool kit for its staff that contains information on the needs of offenders with mental health considerations. This tool kit provides information and best practices to assist program facilitators in implementing specific strategies for offenders with mental health issues. It includes specific information for offenders with intellectual, learning and physical disabilities, FASD, Attention Deficit Disorder, and other needs.

Recommendation 10: That Correctional Service of Canada liaise with Indigenous Services Canada in delivering a continuum of care that is consistent for Indigenous inmates and that the Correctional Service of Canada, upon release, advise Indigenous inmates of available health services at the point of release.

CSC recognizes that community release is a significant transition of care for offenders, and it will continue to work with all partners to support Indigenous offenders upon release.

As part of the development of a discharge plan, Indigenous cultural background is taken into consideration and Elder and Indigenous liaisons are consulted where appropriate. Services provided by Indigenous individuals or groups are prioritized with respect to seeking outside resources for the purpose of discharge planning. In January 2018, CSC contracted with an Indigenous physician to assist in establishing a framework for incorporating both Indigenous and western worldviews in the practice of health care. The contractor will assess which Traditional Practices and Medicines should be offered within the federal correctional facilities to treat various health conditions (mental health, infectious diseases, harm reduction, chronic disease) and provide advice on how to integrate these Traditional healing practices with western medicine.

CSC continues to work with Provinces to improve access to publicly funded health care services. In addition, CSC will consult with Indigenous Services Canada to streamline processes, seek input on discharge planning, continuity of care and transition into the community.

Recommendation 11: That a deputy commissioner for Indigenous affairs be immediately appointed within federal corrections.

CSC's Senior Deputy Commissioner has the lead responsibility for Indigenous Offenders. In support, CSC's Aboriginal Initiatives Directorate provides leadership to ensure that Indigenous Corrections is fully integrated into the overall correctional agenda, and that responsibility for

results is shared by all sectors and regions across the organization.

CSC's current executive structure ensures a consistently applied approach at the national, regional and institutional levels to support the healing of Indigenous offenders and their safe transition to the community. It also provides the leadership required to create a common purpose, mobilize and engage both internal and external stakeholders, and foster collaboration with Indigenous communities to improve and sustain correctional results for First Nations, Métis and Inuit offenders.

That said, the Government continues to explore opportunities to strengthen the role of CSC in addressing Indigenous people in the correctional system, which includes enhancing its governance structure, as required.

Recommendation 12: That Correctional Service Canada provide professional, community-based training to parole officers, simplify the hiring process for officers, and raise community awareness to increase the number of Indigenous staff.

CSC continues to offer professional training that provides parole officers with an understanding of Aboriginal Social History, release planning within Indigenous communities, and the role of Elders. Training content is developed in consultation with Indigenous Elders, the National Aboriginal Advisory Committee, and the National Elders Working Group. In 2017-2018, the training for parole officers included a specific focus on Indigenous offenders, and was delivered in collaboration with Elders and community staff who have a significant understanding of Aboriginal issues.

CSC regularly reviews the curriculum of parole officer training to ensure that Indigenous-related specifics are included and that community representatives participate, including Elders.

CSC recruitment is committed to diversity and being representative of all Canadians. It actively engages Indigenous communities to recruit employees. CSC continually reviews all hiring processes and recruitment efforts to enhance outreach to Indigenous communities, identify efficiencies, ensure fair and sensitive assessment practices and streamline assessment processes where possible. CSC will explore the development of a Parole Officer Recruitment Advisory Committee with a mandate that includes continuous improvement for the Parole Officer program, as well as the recruitment of Indigenous staff.

Recommendation 13: That the Government of Canada consider grants for potential Indigenous correctional employees to cover the costs of their training.

Although CSC offers neither salary nor allowance during the 19-21 weeks of its Correctional Training Program, travel and meal allowances may be available during the in-class portion, depending on location of residence. Also, there is no tuition fee or costs related to learning material.

Indigenous candidates may be eligible for an allowance to support their training through the applicant's local Aboriginal Skills and Employment Training Strategy agreement holder. These

organizations, through Employment and Social Development Canada, deliver Indigenous labour market programming such as skills development, job search assistance, and access to child care.

Recommendation 14: That Correctional Service Canada, whenever possible, call upon elders who are recognized as such by Indigenous communities.

CSC contracts with over 140 First Nations, Métis and Inuit Elders to provide spiritual, ceremonial and counselling support and teachings to offenders wishing to engage in the Aboriginal Continuum of Care. The process for identifying Elders continues to include recommendations and support from Indigenous communities.

In 2017-18, based on guidance from CSC's National Aboriginal Advisory Committee and the National Elders' Working Group, CSC developed national contracting guidelines that engage the services of Elders in recommending Elders for consideration, applying a more traditional approach that respects protocols.

Recommendation 15: That Correctional Service Canada implement correctional programs designed specifically to meet the needs of Indigenous young adults in the correctional system.

Upon entering federal custody, all offenders, including young adult Indigenous offenders, undergo an intake and assessment process to direct them to correctional programming that specifically meets their needs. Correctional Program Officers/Aboriginal Correctional Program Officers are trained to individualize their approach in working with offenders so that the unique needs of each individual can be addressed. This would address any needs associated with the offender being a young adult. CSC staff also have access to a responsiveness portal that includes information on working with young adult offenders.

A Correctional Plan is then developed that identifies areas where intervention is needed to reduce their risk of recidivism - including education, vocational training, employment, social programs, spiritual and cultural activities, and correctional programs. Indigenous-specific programming is offered to Indigenous offenders interested in following a traditional path.

The integrated, multi-targeted nature of CSC's correctional programs allows offenders, including young Indigenous adults, to examine the interplay among their multiple risk factors, understand the impact of their behaviour in different situations and relationships, and develop skill sets that can be used to effectively manage areas of risk and need.

Recommendation 16: That Correctional Service Canada adopt a trauma-informed therapeutic approach by implementing correctional programs that are adapted to the specific needs of Indigenous women.

CSC implemented a comprehensive model of women offender correctional programming in 2010. This model includes the Women Offender Correctional Programs (WOCP), also known as the Continuum of Care, and the Aboriginal Women Offender Correctional Programs (AWOCP), also known as the Circle of Care. AWOCP responds to Indigenous women's unique, culturally-

related needs. This model was designed to strike a balance between a healing and a skills-based approach. All of the programs in the AWOCF are Elder-assisted. These programs include the topic of substance abuse and help participants understand how their behaviour can affect different situations and relationships. With the assistance of Elders, participants develop healing plans that include strategies to cope with everyday life. Indigenous Peer Educator support programs are also in place.

WOCF/AWOCF follows an integrated approach to simultaneously address multiple targets within a single holistic program model. Both the Continuum and Circle of Care include an engagement, moderate intensity, high intensity, and a self-management (maintenance) program. These programs are offered within a women-centered perspective. This ensures that women's social realities and the context of their lives are recognized. They are all trauma-informed, and include content on substance abuse, violence and victimization.

Correctional programs for women offenders focus on helping them understand the impact of their behaviour in different situations and relationships. The goal is to help them learn the skills they need to live a balanced and crime-free life after release. On intake, women are assessed and then assigned to programs that match their needs and level of risk. Indigenous women can participate in either WOCF or AWOCF. Women's programs build on each other, like building blocks. The number of sessions, the lessons and the materials used change based on the intensity level of the program.

Recommendation 17: That Correctional Service Canada adjusts its work programs to reflect the current labour market in ways that do not reinforce gender stereotype jobs with a goal of supporting the successful rehabilitation and reintegration of Indigenous offenders.

Building on the existing skills development programs and initiatives for women offenders, CSC is exploring partnership opportunities to support Indigenous women offenders in accessing a broader continuum of employment and employability training and services throughout their sentence. This includes partnerships and collaboration with other governmental departments, Aboriginal Skills and Employment Training Strategy agreement holders and non-governmental organizations.

As part of its ongoing review of employment interventions available to women offenders, CSC's CORCAN uses a *Gender Based Analysis Plus* framework when considering on-the-job and vocational training offered to women offenders. This includes consideration of labour market gaps, industry needs, and the offenders' interest. In 2017-2018 there was an increase in on-the-job and vocational training at two women offender institutions specifically in the areas of construction and maintenance-related training such as flooring, painting, and chainsaw safety.

CSC will continue to enhance these non-traditional skills training areas and will continue with opportunities at all women's institutions by the end of 2018-19. In addition, warehousing, inventory management and electronic component assembly are other areas of skill training planned for women offenders in the upcoming year. CSC will continue to enhance opportunities with a focus on diversifying the range and scope of training opportunities, taking into consideration labour market and offender interests. CSC will also continue to seek partnerships

with organizations and educational facilities that provide specific gender and culturally informed employment and employability programs.

Recommendation 18: That Correctional Service Canada provide employment programs to more Indigenous offenders by establishing employment centres in all healing lodges and correctional facilities, and using, as required, community organizations that provide employment services to Indigenous offenders.

In 2017-18, CORCAN started implementation of the Indigenous Offender Employment Initiative in the Prairie Region, enhancing opportunities for Indigenous offenders at several sites, including all three CSC operated Healing Lodges in the Region. These sites provide increased employment training opportunities for offenders centered around construction industry, skills and trades including carpentry, flooring, residential construction and renovations. CORCAN will expand this initiative to the Pacific and Ontario Regions by the end of 2019-20. As part of this initiative the employment supports available at all CSC operated Healing Lodges are enhanced.

As well, CORCAN is collaborating with Indigenous communities/organizations who are CCRA Section 81 agreement holders to increase employment and educational training for Indigenous offenders at Healing Lodges. In doing so, CORCAN is facilitating opportunities to provide additional access to training, services and resources related to employment and employability programs to support their reintegration.

Recommendation 19: That Correctional Service Canada review and revise its policy and internal release process to make sure that Indigenous offenders can obtain ID that is recognized in the labour market, prior to release.

CSC has taken various steps to assist offenders in obtaining personal identification (ID) prior to release, including their birth certificate, health card, Social Insurance Number, Permanent Residency Card and Status Card. CSC has engaged provincial/territorial jurisdictions for their support in establishing a process at all remand centres to track and store offender ID during remand and transfer to CSC custody.

CSC continues to work collaboratively with various stakeholders to prepare offenders for their release into the community with the proper identification, including the following regional initiatives:

- Memorandum of Understanding (MOU) between CSC and Employment and Social Development Canada /Service Canada for the provision of outreach services to CSC offenders in seven Ontario Region federal penitentiaries to help them obtain ID.
- New partnership between the Prairie Region and Indigenous Services Canada (ISC), through which ISC staff visit various sites in the Prairies to assist offenders in applying for their Status Card. ISC has recently confirmed that they will accept the CSC offender identity card as a valid piece of identification when applying for a Status Card nationally.

In closing, the SECU study and Report has provided a great deal of insight and strongly supports the objectives of the Government with regard to Indigenous people in federal corrections.

Once again, on behalf of the Government, I thank the Committee Members for taking valuable time to pursue this study and for promoting enhanced public safety, and better social and economic outcomes for Indigenous people in the correctional system by urging the Government to further explore services and supports that can enhance rehabilitation and reintegration outcomes for Indigenous offenders.

A handwritten signature in blue ink, appearing to read 'Ralph Goodale', is positioned above a horizontal line.

Ralph Goodale, P.C., M.P.
Minister of Public Safety
and Emergency Preparedness